

REMARKS

This responds to the Notice of Non-Compliant Amendment mailed on February 2, 2007. Applicants' representative appreciates the Examiner's time and consideration in the telephonic interview of February 14, 2007. As discussed in the interview, the Applicants have indicated the status of claims 1-245 as canceled. For convenience, the amendments above and the arguments submitted below have been duplicated from the last Response.

§103 Rejection of the Claims

Claims 246-251, 254-258, 260-262, 265-273, 276-278, 280-281, 284-292, 294-299 and 301-313 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Graczyk (U.S. 5,192,999) in view of Lett et al. (U.S. 5,657,414, hereinafter, "Lett").

Applicants respectfully submit that the Office Action did not make out a *prima facie* case of obviousness because even if combined, the cited references fail to teach or suggest all of the elements of Applicants' claimed invention.

The references when combined must teach or suggest all the claim elements. M.P.E.P. § 2142 (citing *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)).

Claim 246 as amended recites:

A system comprising:

a. a client to receive data including at least auxiliary data and application data, and including:

a client computer to process the application data;
an auxiliary data processor to process the auxiliary data, and
a display to display images based on the processed auxiliary data;

and

b. a local computer collocated with and in communication with the client to allow the client to communicate with the local computer,
(Emphasis added)

Graczyk discloses a multipurpose computerized television system that generates video images using a personal computer including a television circuit within the personal computer chassis that receives and processes television signals. Additional circuitry provides other functions such as remote control and multimedia capabilities.

Lett discloses an auxiliary device control for a subscriber terminal to provide a single subscriber equipment configuration which would seamlessly program both a subscriber terminal and a VCR with a program event code.

The Examiner on pages 2 through 4 of the current Office Action of August 3, 2006, in rejecting claim 246 (in addition to the other independent claims) has failed to provide a basis from Graczyk and Lett that discloses each and every claim element.

The Examiner states:

...the claimed TV system or method comprising 'a local computer collocated with and in communication with a client to allow the client to communicate with the local computer', reads on the disclosure of Graczyk, which is directed to a computerized TV system including a personal computer and a TV circuit 46, within the same chassis; see Fig. 1 ; Abstract & col. 2, lines 10-22. The claimed client corresponds with the TV circuit 46, which is enabled to receive TV signals from an antenna or CATV connection, col. 5, lines 64-66.

Regarding the amended claimed feature, 'wherein the client further includes a client computer to process computer code, included in the application data, to facilitate interaction with a user', Graczyk teaches that the TV circuit is IBM PC-AT compatible and that it is configured to run under DOS, or a GUI, and that its possible uses includes interactive software, col. 9, lines 41-67. This disclosure clearly reads on the feature, 'to process computer code, included in the application data, to facilitate an interaction with a user'.

(Emphasis added)

The Examiner's passage indicates the client corresponds to the TV circuit, which is an IBM PC-AT compatible circuit (actually a single slot add-in circuit (card), see col. 9, ln. 41-49) and runs under DOS, etc., and can use interactive software. However, the passage is silent with respect to which portion of Graczyk is the local computer. It seems to imply the local computer is the IBM PC-AT that the TV circuit card is plugged in to. However, if this were the case in the present claims, the local computer of element "b" would include the client and its respective components. Instead, claim 246 recites element "a" a client including an auxiliary data processor, a display, and a client computer, and in a separate element "b" a local computer. Simply put, the prior art does not include each and every element as arranged in the claim and therefore does not render claim 246 obvious.

Additionally, Applicants' respectfully assert the Examiner has not adequately recited adequate teachings from neither Graczyk nor Lett that disclose a client computer or an auxiliary

data processor to process auxiliary data. The Examiner has addressed these in the passages that follow:

However, Graczyk does not explicitly teach that the tuner card 46 includes a microprocessor, which would read on a 'client computer'. Nevertheless Lett, which is in the same field of endeavor, teaches an upgrade for client system that includes a expansion card with a microprocessor, col. 8, lines 15-63. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the tuner card 46 of Graczyk with the feature of a microprocessor, at least for the desirable improvement of extending the capabilities of the main microprocessor, as taught by Lett.

Regarding the claimed feature of the client receiving data including auxiliary data and an auxiliary data processor, Graczyk does not discuss in detail the content of received TV signals. Nevertheless, this feature is taught by Lett, which discloses inserting data, such as EPG data into an in-band channel, for instance VBI or HBI, col. 5, lines 15-35. In a known manner, the EPG data is displayed for the user, in order to assist in channel selection, and reads on the claimed 'application data'. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Graczyk with the feature of transmitting an EPG as auxiliary data, to a client device, as taught by Len, at least for the desirable benefit of assisting the subscriber in program selection, displaying a list of programs on the TV screen.
(Emphasis added)

To clarify the Examiner's position, the client is the TV circuit card, the local computer is the IBM PC-AT, and now the client computer is an expansion card with a microprocessor on board that would have to plug into the local computer IBM PC-AT. Again, this combination of devices from Graczyk and Lett does not disclose all of the recited claim elements in light of the plain meaning of each element and in light of the arrangement of claim elements as recited.

Regarding the auxiliary data and the auxiliary data processor, the Examiner has done nothing more than to equate auxiliary data and application data and failed to indicate anything in Graczyk or Lett that discloses an auxiliary data processor to process auxiliary data that is distinct from a client computer to process application data as recited in claim 246. The auxiliary data and the application data are distinct limiting features in the claim the Examiner has decided to combine and summarily reject as being disclosed by EPG data. This is clearly erroneous and not sustainable as grounds for rejection.

For at least the reasons stated above, the independent claim 246 and all claims dependent there from are patentable over Graczyk alone or in combination with Lett. The same arguments

that apply to claim 246 are also applicable to independent claims 257, 268, 277, 285, 298, 312, and 313, and their associated dependent claims.

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Serial Number: 09/903,091

Filing Date: July 10, 2001

Title: METHOD AND SYSTEM TO FACILITATE COMMUNICATIONS AND CONTROLS BETWEEN A CLIENT AND A COLOCATED LOCAL COMPUTER

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Dkt: 2050.001US7

CONCLUSION

In response to the Notice of Non-Compliant Amendment and in accordance with 37 CFR 1.121, Applicants have corrected and resubmitted the entire response for the Examiner's consideration. Applicants note that the missing claims 1-245 were previously canceled by Applicants in the Preliminary Amendment filed with the application on July 10, 2001. Applicants respectfully submit that the Examiner withdraw the non-compliant status and examine the response as appropriate.

The Examiner is invited to telephone Applicants' attorney at 408-278-4045 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

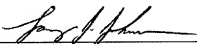
Respectfully submitted,

KURIACOSE JOSEPH ET AL.

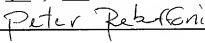
By his Representatives,

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Date March 2, 2007

By 
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Name


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